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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,655	10/02/2001	Igor A. Shmulevich	VIGN1330-1	5246
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Sprinkle IP Law Group 1301 W. 25th Street Suite 408 Austin, TX 78705			EXAMINER GOLDBERG, ANDREW C	
			ART UNIT	PAPER NUMBER
			2491	
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			02/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/682,655

**Applicant(s)**

SHMULEVICH ET AL.

**Examiner**

ANDREW GOLDBERG

**Art Unit**

2491

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SD-05)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to the application filed on 02 October, 2001.

### **Examiners Note**

2. The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Claim Objections***

3. The previously presented objection(s) to claim(s) 26-45 have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

4. The previously presented 35 USC § 112 rejection(s) to claim(s) 26, 35 and 40 have been withdrawn.

### **Claim Rejections - 35 USC 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 26-45** are rejected under 35 USC 103 (a) as being unpatentable over Chong et al., Application No.: 60/263574 (attached herein), 01/22/2001, hereby **Chong**.

As an initial matter, the examiner would like to express his interpretation of instant invention to provide applicant with insight to the examiner's thought process.

The examiner interprets the instant application as a means to deliver service and device specific applications (templates) to end users. A developer may use a development environment to create a service specific template that does not include presentation data for a specific end device. In the development environment, a user may manually design a service template from scratch (selecting name-value pairs), or edit/modify existing service specific templates (adding name-value pairs to an already designed template).

After the user creates a custom service template, the master template contains the information necessary to convert the service data into a proper presentation for a specific device type. Although not claimed, the examiner is assuming that the master template responds to a request from an end user for said service. In response to said request, the master template creates a specific service/device template (application)

using the already defined service template AND the newly transformed presentation template (based on the requesters device type) to satisfy said request.

Regarding **claim 26**, **Chong** discloses, "providing a master template which contains a plurality of building blocks, wherein each of the plurality of building blocks defines formatting for a single type of name-value pair for presentation on a single device type (**page 13, Covigo Mobile Application Engine. The engine converts templates designed in the visual development studio to deliver applications and services; par. 0015, "Covigo Engine to generate the output specific to a connecting device" wherein the output is the presentation data; page 56, second paragraph; figure 6-13; page 41-42, componentization wizard**);

receiving or retrieving unformatted data from the storage device, wherein the unformatted data corresponds to a specific data service (**page 13, re-usable and customizable templates, delivers applications and services; page 14, drag-and-drop visual design element; page 15, custom templates...developers do not need Covigo's out of box templates and can therefore design their own. Further, Covigo works with backend XML files. Therefore, if a user is developing his or her own template, the data that is used to design said template must "correspond" aka "relate to" (in any way) a specific service**);

examining the unformatted data, each name-value pair including a name of a data item and a value of the data item (**figure 6-13; page 41-42, componentization wizard, components are saved in an XML repository**);

presenting the name-value pairs to a user via the user interface (**figure 6-13**);

retaining a set of the name-value pairs based on user input received via the user interface (**figure 6-13, user can add or remove name-value pair**); ;

selecting, from the master template, building blocks containing information on formatting the set of the name-value pairs for presentation of the specific data service on a plurality of device types (**page 13, Covigo Mobile Application Engine. The engine converts templates designed in the visual development studio to deliver applications and services; par. 0015, "Covigo Engine to generate the output specific to a connecting device" wherein the output is the presentation data**); and

assembling the building blocks selected from the master template into one or more service/device-specific templates, wherein each of the service/device-specific templates is specific to a corresponding device or a device type and to the specific data service associated with the unformatted data (**page 13, Covigo Mobile Application Engine. The engine converts templates designed in the visual development studio to deliver applications and services; par. 0015, "Covigo Engine to generate the output specific to a connecting device" wherein the output is the presentation data.**)

**Chong** does not appear to explicitly disclose that the unformatted data, "contains no information on formatting the specific data service for presentation". In **Chong**, it appears that the pre-existing templates (that contain the XML code) may contain some sort of presentation data.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the presentation separate from a component because Applicant has not disclosed that separating the presentation data from the unformatted data provides an advantage, is used for a

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particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with including general presentation data within the unformatted data because the intended use of formatting the presentation for a specific device type happens AFTER a user selects the variables he or she wants in the component file. That is, the presentation for a specific device type happens at the server using the Covigo Mobile Application Engine which solves the same problem that the instant application is attempting to solve. Using the Covigo Mobile Application Engine, there is no need to manually generate a new template for presentation data because the engine performs said conversion automatically.

Therefore, it would have been an obvious matter of design choice to modify **Choong** to obtain the invention as specified in the claim [(s)].

Regarding **claim 27**, **Charisius** discloses, "utilizing the service/device-specific templates to create markup language files for corresponding devices" (page 15).

Regarding **claim 28**, **Charisius** discloses, "utilizing the markup language files to accommodate the specific data service on the corresponding devices" (page 15).

Regarding **claim 29**, **Charisius** discloses, "wherein the master template defines predetermined style for displaying data on physical devices" (page 15).

Regarding **claim 30**, **Charisius** discloses, "wherein the master template is one of a plurality of master templates, each defining a different style for displaying data on physical devices" (page 15, dynamic content generation).

Regarding **claim 31**, **Charisius** discloses, "prompting the user to select one of the plurality of master templates according to which the service/device-specific templates are generated" (page 63, number 12).

Regarding **claim 32**, **Charisius** discloses, "wherein the service/device-specific templates are generated automatically upon completion of the master template" (page 15, code generator).

Regarding **claim 33**, **Charisius** discloses, "wherein the service/device-specific templates are generated as needed to accommodate the specific data service or a new data service" (page 15).

Regarding **claim 34**, **Charisius** discloses, "presenting the user with a name for each of the set of the name-value pairs; and allowing the user to accept or modify the name via the user interface" (figure 6-13; page 41-42, componentization wizard, components are saved in an XML repository).

Claims 35-45 are rejected under the same reasoning and motivation as above.  
No new substantial limitations or concepts have been added.



***Response to Arguments***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Goldberg whose telephone number is (571) 270-5441. The examiner can normally be reached on 9:30-3:30 EST Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashok Patel can be reached on (571)-272-3972. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Goldberg  
Examiner

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/Andrew Goldberg/  
02/12/2011

/Ashok B. Patel/

Supervisory Patent Examiner, Art Unit 2491